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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 EDWARD L. FULTON,

10 Plaintiff,

11 v.

12 BRUCE FULTON, *et al.*,

13 Defendants.

Case No. C12-330-RSM

REPORT AND RECOMMENDATION

14
15 Plaintiff, proceeding *pro se*, has filed a proposed complaint and an application to
16 proceed *in forma pauperis* (“IFP”) in the above-entitled civil action against the Defendants,
17 who are his parents. The proposed complaint is devoid of factual content, stating:

18 I accuse Bruce & Ju-Chan of violating my civil rights by being negligent,
19 kicking me out before I was 18, verbal and physical abuse, cruel and unusual
20 punishment, abandonment, etc.

21 I request a grand jury and either 25% of their assets of \$250,000.

22 Dkt. 1-1.

23 A plaintiff must “plead a short and plain statement of the claim showing that the
24 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The factual allegations of a complaint
25 must be “enough to raise a right to relief above the speculative level.” *Bell Atlantic Corp. v.*
26 *Twombly*, 550 U.S. 544, 555 (2007). A complaint may be dismissed as a matter of law if it

1 lacks a cognizable legal theory or states insufficient facts to support a cognizable legal claim.
2 *See Robertson v. Dean Witter Reynolds, Inc.*, 749 F.2d 530, 534 (9th Cir. 1984). Under 28
3 U.S.C. § 1915(e)(2), the district court must dismiss the case “at any time” it determines the
4 complaint is frivolous or fails to state a claim on which relief may be granted. Section 1915(e)
5 applies to all IFP proceedings, not only those filed by prisoners. *See Lopez v. Smith*, 203 F.3d
6 1122, 1126 n.7 (9th Cir. 2000).

7 Here, Plaintiff’s proposed complaint lacks any cognizable legal theory, and therefore
8 appears fails to state a claim on which relief may be granted. Setting aside the court’s concerns
9 that Plaintiff may be under 18 years of age, and therefore may lack capacity to bring this suit,
10 a federal civil-rights lawsuit is not the proper vehicle by which the Plaintiff can address issues
11 of alleged parental neglect.

12 Because the Plaintiff has failed to identify a cognizable legal theory under which he is
13 entitled to relief, the court recommends that his complaint be dismissed and his IFP application
14 be denied as moot. A proposed order accompanies this Report and Recommendation.

15 DATED this 6th day of March, 2012.

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17 JAMES P. DONOHUE
18 United States Magistrate Judge
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